



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/847,525	05/01/2001	Ming Fai Chan	126745201600

022836 ..  
BAKER & MCKENZIE  
660 HANSEN WAY  
PALO ALTO, CA 94304



CONFIRMATION NO. 4026

## FORMALITIES LETTER



\*OC000000006440729\*

Date Mailed: 08/17/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$954.  
    ■ \$954 for 53 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1794.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

01/17/2002 SLUANG1 00000003 501189 09847525

01 FC:201	370.00 CH
02 FC:203	477.00 CH
03 FC:205	65.00 CH

COPY OF PAPERS  
ORIGINALLY FILED

# McCUTCHEN

McCUTCHEN, DOYLE, BROWN & ENERSEN, LLP



November 7, 2001

Direct: (650) 849-4950  
akonski@mdbe.com

Billing No. : 23896-7062

Raymond S. Poon, Ph.D.  
Executive Vice President  
NewBiotics, Inc.  
11760 Sorrento Valley Road, Suite E  
San Diego, CA 92121

Re: U.S. Patent Application Serial No.: 09/847,525  
For: IMPROVED BETA-LACTAM ANTIBIOTICS  
Applicant(s): Ming Fai Chan, et al.  
Our Ref: NB-2016.00

Dear Raymond:

Enclosed are copies of the following documents as filed November 7, 2001 with the United States Patent and Trademark Office in connection with the subject application:

1. Response To Notice of Missing Parts and associated papers;
2. A Petition for Extension of Time (one-month); and
3. Assignment for Recordation (filed November 2, 2001).

As soon as we receive a further communication concerning this application, we will again report to you. Please feel free to contact me directly if you have any questions

Sincerely,

A handwritten signature in cursive script, appearing to read "Antoinette F. Konski".

Antoinette F. Konski

AFK:pn

Enclosures: As stated.

ATTORNEYS AT LAW


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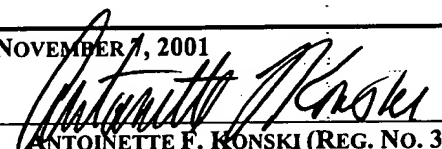
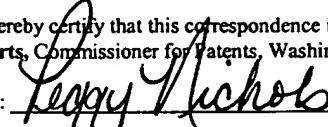
Palo Alto  
Taipei

AA Sector #6  
NO money

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

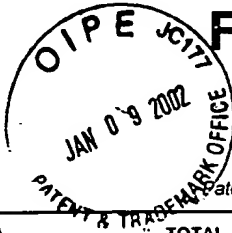
 <p><b>TRANSMITTAL FORM</b></p> <p><i>(to be used for all correspondence after filing)</i></p> <p>Total number of Pages in this submission <span style="float: right;">15</span></p>	Application Number	09/847,525
	Filing Date	May 1, 2001
	First Named Inventor	Ming Fai CHAN, et al.
	Group Art Unit	1645
	Examiner Name	Unassigned
	Attorney Docket No.	NB 2016.00

**Box: Missing Parts**  
 Commissioner for Patents  
 Washington, D.C. 20231

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> FEE TRANSMITTAL FORM <input type="checkbox"/> FEE ATTACHED  <input type="checkbox"/> AMENDMENT/RESPONSE <input type="checkbox"/> AFTER FINAL <input type="checkbox"/> AFFIDAVITS' DECLARATION(S)  <input checked="" type="checkbox"/> EXTENSION OF TIME (ONE-MONTH)  <input type="checkbox"/> EXPRESS ABANDONMENT REQUEST  <input type="checkbox"/> INFORMATION DISCLOSURE STATEMENT W/1449  <input type="checkbox"/> CERTIFIED COPY OF PRIORITY DOCUMENT(S) <input type="checkbox"/> RESPONSE TO MISSING PARTS/ INCOMPLETE APPLICATION <input checked="" type="checkbox"/> RESPONSE TO MISSING PARTS UNDER 37 CFR 1.52 OR 1.53 COPY OF PTO-1533  <input type="checkbox"/> ISSUE FEE TRANSMITTAL <input type="checkbox"/>	<input checked="" type="checkbox"/> ASSIGNMENT PAPERS (COPY) (FOR AN APPLICATION) <input type="checkbox"/> DRAWING(S) <input type="checkbox"/> LICENSING-RELATED PAPERS <input type="checkbox"/> PETITION ROUTING SLIP (PTO/SB/60) AND ACCOMPANYING PETITION) <input type="checkbox"/> TO CONVERT A PROVISIONAL APPLICATION <input checked="" type="checkbox"/> POWER OF ATTORNEY, REVOCATION CHANGE OF CORRESPONDENCE ADDRESS <input type="checkbox"/> TERMINAL DISCLAIMER  <input checked="" type="checkbox"/> SMALL ENTITY STATEMENT <input type="checkbox"/> REQUEST FOR REFUND	<input type="checkbox"/> AFTER ALLOWANCE COMMUNICATION TO GROUP  <input type="checkbox"/> APPEAL COMMUNICATION TO BOARD OF APPEALS AND INTERFERENCES  <input type="checkbox"/> APPEAL COMMUNICATION TO GROUP (APPEAL NOTICE, BRIEF, REPLY BRIEF)  <input type="checkbox"/> PROPRIETARY INFORMATION  <input type="checkbox"/> STATUS LETTER  <input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW): COPY OF NOTICE TO FILE MISSING PARTS DATED 8/17/01, BASIC FILING FEE FOR UTILITY APPL. \$370 AND \$477 FEES DUE FOR EXTRA CLAIM FEES (SEE FEE TRANSMITTAL FOR FY 2002 AND RETURN POSTCARD)
REMARKS:		
<b>MCCUTCHEN, DOYLE, BROWN &amp; ENERSEN LLP</b> THREE EMBARCADERO CENTER, SUITE 1800 SAN FRANCISCO, CA 94111 TELEPHONE: (650) 849-4050 FACSIMILE: (650) 849-4800		DATE: NOVEMBER 7, 2001  BY:  ANTOINETTE F. KONSKI (REG. NO. 34,202)
<b>CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"</b>		
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: <b>Box: Missing Parts, Commissioner for Patents, Washington, D.C. 20231</b> on this date: <u>November 7, 2001.</u>		
By:  Name of person signing: Peggy Nichols		

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL FOR FY 2002



Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/847,525
Filing Date	May 1, 2001
First Named Inventor	Ming Fai CHAN, et al.
Examiner Name	Unassigned
Group Art Unit	1645
Attorney Docket No.	NB 2016.00

TOTAL AMOUNT OF PAYMENT

(\$967.00)

### METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

50-1189

Deposit  
Account  
Name

McCutchen Doyle Brown & Enersen LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$370.00)

#### 2. EXTRA CLAIM FEES

Total Claims	73	-20** =	Extra Claims	53	x	Fee from below	9	=	Fee Paid	\$477.00
Independent Claims		-3** =		*	x			=	\$	

Multiple Dependent

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claims, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$477.00)

\*\* or number previously paid, if greater; For reissues, see above.

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55.00
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	330	219	160	Notice of Appeal	
120	330	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$120.00)

### SUBMITTED BY

Name (Print/Type)

Antoinette E. Kanski

Registration No.  
(Attorney/Agent)

34,202

Telephone

(650) 849-4950

Signature

*Antoinette E. Kanski*

Date

Nov. 7, 2001

WARNING: Information on this form may become public. Credit card information should not

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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